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Attorneys for Defendants
LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON and THE MCGRAW-HILL
COMPANIES, INC. LONG-TERM
DISABILITY PLAN erroneously sued as THE
MCGRAW-HILL COMPANIES, INC.
DISABILITY PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAUREEN O'NEILL,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON; THE
MCGRAW-HILL COMPANIES, INC.
DISABILITY PLAN,

Defendants.

CASE NO. CV10-05280 LHK

**STIPULATION AND [PROPOSED]
ORDER DISMISSING THE MCGRAW-
HILL COMPANIES, INC. LONG-TERM
DISABILITY PLAN WITHOUT
PREJUDICE**

WHEREAS, this is an action arising under the Employee Retirement Income Security
Act of 1974, as amended ("ERISA"), 29 U.S.C. section 1132 (a)(1) and (3);

1 **WHEREAS**, plaintiff Maureen O'Neill named The McGraw-Hill Companies, Inc. Long-
2 Term Disability Plan ("the Plan") as a defendant in this action;

3 **WHEREAS**, effective October 1, 2003, the long-term disability portion of the Plan was
4 insured under a group disability income policy issued by Liberty Life Assurance Company of
5 Boston to The McGraw-Hill Companies, Inc., the sponsor of the Plan;

6 **WHEREAS**, although Liberty Life denies that it or The Plan are liable for any of the
7 claims, or under any of the theories, alleged by MAUREEN O'NEILL in this action, Liberty Life
8 Assurance Company of Boston agrees it will be liable for any judgment or settlement concerning
9 the payment or non-payment of long term disability benefits to plaintiff that may result from this
10 action as if it were the Plan;

11 **IT IS HEREBY STIPULATED** between the parties, by and through their respective
12 counsel of record, that Liberty Life Assurance Company of Boston will be liable for any
13 judgment or settlement concerning the payment or non-payment of long term disability benefits to
14 plaintiff that may be entered or reached in this action as if it were the Plan.

15 **IT IS FURTHER STIPULATED** that the Plan is hereby dismissed from this action
16 without prejudice, with each party to bear its own fees and costs.

17 **IT IS SO STIPULATED.**

18 **FILER'S ATTESTATION:**

19 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
20 penalty of perjury that the concurrence and the filing of this document has been obtained from its
21 signatories.

1 Dated: February 28, 2011

LAW OFFICES OF SCOTT SHAFFMAN

2
3 By: Scott Shaffman

4 SCOTT SHAFFMAN
5 Attorney for Plaintiff,
MAUREEN O'NEILL

6 Dated: February 28, 2011

ROPERS, MAJESKI, KOHN & BENTLEY

7
8 By: Pamela E. Cogan

9 PAMELA E. COGAN
10 HANA HARDY
11 Attorneys for Defendants, LIBERTY LIFE
ASSURANCE COMPANY OF BOSTON
and THE MCGRAW-HILL COMPANIES,
INC. LONG-TERM DISABILITY PLAN

12 **ORDER**

13 **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that Liberty Life
14 Assurance Company of Boston will be liable for any judgment or settlement concerning the
15 payment or non-payment of long term disability benefits to plaintiff that may be entered or
16 reached in this action as if it were the Plan.

17 **IT IS FURTHER ORDERED** that THE MCGRAW-HILL COMPANIES, INC. LONG-
18 TERM DISABILITY PLAN shall be, and hereby is, dismissed from this action without prejudice,
19 with each party to bear its own fees and costs.

20 **IT IS SO ORDERED.**

21 Dated: March 3, 2011

22 

23 UNITED STATES DISTRICT JUDGE